

Appl. No. 10/043,010
Amdt. Dated June 13, 2005
Reply to Office action of Feb. 14, 2005

STATUS OF THE APPLICATION

The instant application was filed on January 11, 2002, and included claims 1-24. In the most recent Office Action, the Office has rejected claims 1-24. In view of the amendment to the claims and the discussion presented below, Applicants submit that the instant application is in condition for allowance. An early notification of such allowance is therefore earnestly solicited.

THE OFFICE ACTION

The Office has declared that the oath is defective in that there "is no oath or declaration present." The Office has also objected to the drawings in that a "deposition chamber" is not depicted. Further the Office has objected to claims 11 and 24 (should be 23) stating that the phrase "which is nonreactive said process gases" needs correcting. Additionally the Office has rejected claims 1-5, 8-11, 13-17, and 20-23 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,590,042 to Drage. Finally, the Office has rejected claims 6, 7, 12, 18, 19, and 24 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,590,042 to Drage in view of U.S. Patent No. 6,786,175 to Dhindsa et al.

DISCUSSION

THE OATH/DECLARATION

The Office has declared that the oath is defective in that there "is no oath or declaration present." The Office is mistaken about the absence of the Oath/Declaration. The applicant has twice filed the Declaration with the Office. Once with applicant's

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response to the “Notice to File Missing Parts” and a second time in support of applicant’s petition to withdraw the holding of abandonment for failure to respond to the “Notice to File Missing Parts”. For the Office’s convenience, applicant has appended an additional copy of the declaration hereto.

THE OBJECTION TO THE DRAWINGS

The Office has objected to the drawings in that a “deposition chamber” is not depicted. Applicant has amended the claims to delete any reference to a “deposition chamber”. Thus, the objection to the drawings is now moot and applicant respectfully requests withdrawal thereof.

THE OBJECTION TO CLAIMS 11 AND 24

The Office has objected to claims 11 and 24 (should be 23) stating that the phrase “which is nonreactive said process gases” needs correcting. Applicants have replaced the phrase “which is nonreactive said process gases” with the phrase –which is nonreactive with said process gases–. Thus this objection is now moot and applicants respectfully request withdrawal thereof.

THE REJECTION UNDER 35 U.S.C. 102(b)

The the Office has rejected claims 1-5, 8-11, 13-17, and 20-23 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,590,042 to Drage (the ‘042 reference).

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Claims 1 and 13 have been amended to include the limitation that the cathode body includes "two opposed planar surfaces" and that the "process gas outlets are evenly positioned across both of said two opposed planar surfaces of said cathode body". The '042 reference neither teaches nor suggests such a structure. Additionally, claims 9 and 21 have been amended to indicate that the spent gas inlets are evenly positioned "exclusively" along said at least one peripheral edge of said cathode body. This limitation is also not taught or suggested by the '042 reference. Therefore, in view of the amendments to the claims, applicants now believe that claims 1-4, 6-16, and 18-24 are allowable over the '042 reference.

THE REJECTION UNDER 35 U.S.C. 103(a)

The Office has rejected claims 6, 7, 12, 18, 19, and 24 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,590,042 to Drage in view of U.S. Patent No. 6,786,175 to Dhindsa et al. (the '175 reference). The '042 and '175 reference do not, alone or in combination, teach or suggest the invention as is now embodied in claims 1 and 13. In view of the amendments to the claims, applicants now believe that claims 1-4, 6-16, and 18-24 are not taught or suggested by the '042 reference or the '175 reference, either alone or in combination and are thus allowable.

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CONCLUSION

In view of the amendments and the discussion presented hereinabove, Applicants believe that all rejections have now been obviated. Claims 1-4, 6-16, and 18-24 remain at issue. Applicants submit that the instant application is now in condition for allowance and earnestly request the re-examination and timely notice of allowance thereof.

Should the Examiner have any comments or suggestions which would place the instant application in better condition for allowance, he is earnestly requested to contact the undersigned.

Respectfully submitted,



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